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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 18 August 1998, at 10 a.m.

Chairman: Mr. GUISSÉ

later: Mr. WEISSBRODT

CONTENTS

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES
(continued)

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GE.98-13909 (E)

The meeting was called to order at 10.10 a.m.

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES (agenda item 8) (continued) (E/CN.4/Sub.2/1998/18)

1. Mrs. WARZAZI, speaking on a point of order, expressed surprise that the Sub-Commission should remain silent on the subject of Kosovo, where the situation was dramatic, as had been confirmed, if proof were necessary, in the interview with the United Nations High Commissioner for Refugees published the previous day in the Herald Tribune. She pointed out that, if a Muslim country had committed similar atrocities against Westerners, the Sub-Commission would have reacted long before. She suggested that the Sub-Commission should appeal urgently to the Secretary-General or to the western countries about the situation in Kosovo.

2. Mr. BENGOA said that he fully agreed with Mrs. Warzazi. The Sub-Commission could prepare a draft statement by the Chairman, to be adopted by consensus. That was clearly within its mandate.

3. Mr. WEISSBRODT said that the situation was particularly urgent and could therefore perfectly well be the subject of a statement by the Chairman. He hoped that the Sub-Commission would give effect to Mr. Bengoa's suggestion.

4. The CHAIRMAN requested Mrs. Warzazi to prepare a draft statement by the Chairman on the situation in Kosovo.

5. Mr. KARTASHKIN, referring to the report of the Working Group on Minorities introduced by Mr. Eide the previous day, said that it gave an objective account of the Group's work at its fourth session, during which members had stressed the need to discuss more specific questions and take practical steps to implement the principles set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities. It had been considered that a system of visits should be established whereby members of the Working Group could visit specific countries to investigate positive and negative practices. It was extremely important to initiate a constructive dialogue with the States in which minorities lived.

6. The Working Group had also decided to submit the Commentary on the Declaration prepared by Mr. Eide to States for comments. The comments received from Governments would help improve the Working Group's work. During the session, several NGOs had considered the question of the violation of the rights of minorities in various countries. The Latvian Committee on Human Rights had drawn attention to violations of the rights of the Russian-speaking minority in Latvia, many of whom had been deprived of citizenship despite having been born in Latvia. The Working Group had decided to transmit the information supplied by the NGOs to the Governments concerned in order to make them aware of the situation in their countries.

7. During the session attention had also been drawn to the importance of bilateral treaties for the protection of the rights of minorities and fruitful discussions had recently taken place between the Commission on Human Rights of

the Office of the President of the Russian Federation and the Republic of Kazakhstan on the subject of the protection of the Russian-speaking minority in Kazakhstan and the Kazakh minority in the Russian Federation.

8. The Working Group had also considered more theoretical issues, such as the right to self-determination, the conservation of the territorial integrity of States and the question of assimilation and its relationship to integration. An appropriate solution to such theoretical issues could not but have practical consequences for the protection of the rights of minorities. Lastly, he noted that the Working Group had adopted several important recommendations and he thanked Mr. Eide for the constructive work that had been carried out under his guidance.

9. Mr. FAN expressed his appreciation for the excellent report and noted with satisfaction that the Working Group's mandate had become permanent. He fully shared Mr. Eide's view that a proper solution to the question of the protection of the rights of minorities could only contribute to the political and social stability of the States in which they lived and the surrounding region. The Working Group had been both active and prudent in its work and had achieved important results. It had taken a balanced approach to relations between the State, majorities and minorities and had endeavoured, within the framework of its mandate, to encourage exchanges of information and views. It had enabled representatives of Governments and NGOs to participate actively and had carried out a wide range of studies.

10. With regard to the conclusions and recommendations contained in the report, he noted with satisfaction that each of the members of the Working Group had agreed to prepare a working paper and that measures would be taken to ensure the dissemination of the Declaration, of which a pocket edition would be prepared in the national language and in minority languages. He took note of the decision to inform Governments of the situations brought to the attention of the Working Group and considered that, in order to facilitate dialogue with Governments and avoid any misunderstanding, an appropriate formula different from that of treaty-monitoring bodies, special rapporteurs or the 1503 procedure should be found. He warned against hasty and unprepared initiatives for settling the problems of minorities which did not come from the States themselves and could give rise to further entanglements rather than disentanglements. He appreciated the wording of paragraph 108 (b) of the report, whereby members of the Working Group would visit countries at the invitation of the Governments concerned. It was important that government cooperation should be voluntary. Any hint of visiting "problematic" countries might unnecessarily compromise the fulfilment of the Group's mandate.

11. Mr. YIMER, expressing satisfaction at the permanent status the Working Group had acquired, drew attention to some particularly interesting points in the remarkable report Mr. Eide had submitted. The Commentary on the Declaration was a very important new departure which would certainly contribute to a better understanding of the content and limits of the rights of minorities. He took note of paragraphs 78, 79 and 80 of the report, but would like some clarification on the link between the 1503 procedure and the Working Group's mandate. With regard to the Working Group's recommendations, he said that thematic working papers would enable the Working Group to advance in its work and he hoped that the preparation of the papers would come to

constitute one of its regular activities. He stressed the usefulness of informing Governments of situations brought to the Working Group's attention and supported the idea of distributing the Commentary on the Declaration to them. In his opinion, it would be very useful to prepare a feasibility study on the creation of a database for questions concerning minorities and he hoped that it would indeed be possible to set one up. He also thought it very important that, in the agenda, greater emphasis should be placed on thematic issues. He welcomed the Working Group's decision to encourage the organization of expert seminars.

12. Mr. MAXIM said that the Working Group's report confirmed the great interest which Governments and NGOs took in questions relating to minorities and the wisdom the Commission had shown in deciding to give the Working Group permanent status. The number and range of the discussions the international community had held on the complex and delicate problems of minorities was the best proof that it was acting and making progress in that area. The Sub-Commission was in a good position to make its contribution to the solution to a number of problems that were still unclear. The report of the Working Group contained several very relevant ideas. Mr. Bengoa had rightly referred to the need to understand the nature and causes of conflicts in the light of minority situations and Mr. Sorabjee had been right to remark that the Declaration should be widely distributed.

13. The drafting of the Commentary on the Declaration had been an excellent idea. He also endorsed Mr. Kartashkin's comments about drawing a distinction between integration and assimilation and actively involving minorities in all aspects of the national and public life of society. As Mr. Bengoa had also noted, it was not sufficient for minorities to be "allowed" to exercise their rights; they should also be able to "assert" their rights. Lastly, he fully supported Mr. Hannum's idea that minorities should participate in political life in order to maintain and develop their identity and their characteristics, noting that it was only in that way that the members of those minorities would feel that they were citizens with equal rights and duties. He fully supported all the recommendations made and congratulated the members of the Working Group on their competence and their lofty sense of responsibility.

14. Mr. WADLOW (Association for World Education) said that he was making his statement in memory of a prominent human rights defender, the late John Joseph, Bishop of Faisalbad, who had committed suicide on 6 May 1998 in protest at the continued application in Pakistan of the iniquitous Muslim blasphemy laws under which Ayub Masil had been sentenced to death on 27 April 1998 (see E/CN.4/Sub.2/1998/NGO/3).

15. Not content with ignoring resolution 1985/21, in which the Sub-Commission had requested it to repeal Ordinance XX, which provided for punishment for the perpetrators of "crimes against Islam", the Government of Pakistan had used its powers under that Ordinance to incorporate article 295-C into the Penal Code; it provided that anyone convicted of blasphemy against the Prophet Muhammad was systematically sentenced to death, in total contradiction with international human rights instruments. The law was aimed at the Ahmediyas, a Muslim minority regarded as heretical, and, increasingly, at Christians.

16. His Association invited the Sub-Commission to renew the appeal it had made to the Government of Pakistan in resolution 1985/21 and to ask it once more to repeal the blasphemy legislation and to restore the human rights and fundamental freedoms of all persons within its jurisdiction.

17. Mrs. BARTHER (Prison Fellowship International) said that the famine affecting the Dinkas in the north of Bahr-El-Ghazal province in Sudan had been deliberately provoked by the National Islamic Front and was clearly a part of the Government's policy of ethnic cleansing in the fertile and oil-rich regions in question. In May 1998, government soldiers and Arab militias had carried out raids in the region of Abin Dau and Myan Abun and in the counties of Twic, Abyei, Awiel West and Awiel East. They had pillaged houses, burned crops, massacred thousands of livestock, killed civilians, particularly women and children, and had carried off hundreds of civilians into captivity and endeavoured to impose Arab names and Islamic practices on them.

18. In the face of that situation, the international community needed to increase its food aid, do everything in its power to obtain a fair, genuine and lasting peace in the region and induce the Government of Sudan to respect international human rights standards.

19. If the Government of Sudan persisted in making war on its own people, the United Nations Security Council must impose sanctions on it. It was also necessary to ensure that human rights monitors, under the United Nations Special Rapporteur on the situation of human rights in Sudan, and humanitarian organizations had access to all regions of Sudan. There was also a need to trace those who had been taken into slavery and enable them to find their families again. Urgent action was required in order to put an end to the suffering of the people of Sudan.

20. Mr. Weissbrodt took the Chair.

21. Mr. GENIUSAS (International Federation of Free Journalists) said that numerous national minorities and indigenous peoples such as the Chechens, the Crimean Tartars, the Tibetans, the Tutsis, the Kashmiris, the Kurds and the East Timorese suffered from being deprived of their fundamental rights to life and liberty. Kosovo was currently the focus of genocide and a scorched earth policy.

22. The Russian Federation had enacted laws that penalized non-Slavs, such as minorities in the North Caucasus, particularly the Chechens, who endured abuses of all kinds, including arbitrary detention, beatings and systematic job and housing discrimination.

23. Mention should also be made of the threat to the cultural identity of the many minorities who lived in the vast regions of the northern Russian Federation and who spoke various Uralic or Altaic languages.

24. The Lithuanian minority living in the Kaliningrad region had no schools where the language of instruction was Lithuanian and there were no magazines, radio or television in Lithuanian, although there were 43 Russian periodical publications in Lithuania itself.

25. The inhabitants of Belarus were gradually losing their language and cultural identity. In Minsk, the number of schools where the language of instruction was Belorussian had shrunk from 200 in 1994 to fewer than 20 in 1996.

26. In the Baltic States, the consequences of a 50-year long occupation and ruthless Russification were still acutely felt. In Latvia, the proportion of Latvians had dropped from 75 per cent before the Second World War to 52 per cent in 1989. Despite the allegations of the Russian Federation that the Russian-speaking minority in Latvia suffered from discrimination, obtaining Latvian citizenship did not depend on ethnic origin and almost 40 per cent of the Russians residing in Latvia were citizens of the Republic of Latvia.

27. Similarly, all persons residing legally in Estonia, whatever their ethnic origin, could acquire Estonian nationality if they so wished. It should be borne in mind that systematically granting citizenship to all persons residing in Estonia and Latvia would be tantamount to legitimizing the deliberate policy of population transfer by the Soviet Union during the occupation of the Baltic States from 1940 to 1991. The outcome of such a policy would be the reabsorption of Latvia into the Russian Federation or, at very least, the overwhelming political domination of Latvia by the Russian Federation.

28. Mr. GARCIA PICOLA (Pax Romana) said that his organization totally supported the Working Group on Minorities, especially with respect to its role in promoting mutual understanding between minorities and Governments.

29. In Equatorial Guinea, the Bubi minority living on the Island of Bioko continued to be subjected to systematic discrimination, which Mr. Artucio, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Equatorial Guinea, had denounced in his report (E/CN.4/1998/73). The members of the Movement for the Self-Determination of the Island of Bioko (MAIB) were persecuted, although they had never advocated the use of violence. Silvestre Orichi, for example, had been missing since January 1998. All the evidence suggested that he was in the hands of government forces.

30. Uncontrolled groups, which had run out of patience with the intransigence of the Government in refusing to dialogue with the representatives of the Bubi people, had been responsible for a series of incidents in January 1998. One hundred and sixteen people had been tried by a military court. Fifteen of them had been sentenced to death and 81 had received prison sentences of between 6 and 26 years. During the trial, the rights of the defence had not been respected and their lawyers had been unable to file an appeal.

31. One of those sentenced, Martin Puye Topepe, had died in prison on 14 July 1998 in circumstances that were far from clear. The Government had forbidden an autopsy of the body. If President Obiang Nguema remained deaf to the international community's appeals for clemency, the Commission on Human Rights should adopt a resolution at its next session roundly condemning his regime.

32. Mr. AL-KHOEI (Al-Khoei Foundation) said that his organization condemned all acts of violence against minorities, whether they were committed by Muslims or against Muslims. Muslim minorities in Europe were increasingly concerned by growing Islamophobia, which was mostly subtle, but also sometimes blatant. It would be recalled that, in the United States, many newspapers had wrongly accused Muslims of having carried out the Oklahoma bombing.

33. The criminal acts of a few individuals should not be an excuse to place the whole of that community of believers on trial. It would be as if, every time a Catholic or a Protestant extremist set off a bomb in Northern Ireland, the Catholic or Protestant churches were accused of being responsible.

34. Islamophobia was liable to lead to the marginalization or exclusion of Muslims, particularly young people, who were increasingly developing a "siege mentality".

35. In Europe, there was a need for laws to combat racial discrimination and anti-Semitism to include elements covering religious discrimination, particularly when it affected Muslims. The Government of the United Kingdom had begun to act along those lines and should be congratulated. The efforts of the Special Rapporteur on religious intolerance should also be welcomed.

36. His Foundation had set up a body, consisting of journalists and intellectuals, to monitor the way in which Islam and Muslims were reported in the media. In the same spirit, the Foundation would organize a conference on religious minority rights and marginalization in Europe with the Berlin Centre for Comparative and Social Research in October 1998.

37. Mrs. TANAKA (International Movement Against All Forms of Discrimination and Racism) said that her organization was particularly concerned about the Roma and Sinti minorities in many European countries and, in particular, in the Czech Republic, where they were the victims of acts of violence, notably by skinheads. According to some reports, Czech towns apparently were intending to build walls round the Roma communities, recalling the segregation that had existed during the blackest periods of European history. It was equally a matter of concern that the Czech Government had excluded the Roma minority from international agreements for the protection of minorities, such as the Council of Europe's Framework Convention for the Protection of National Minorities. The Roma minority was faced with similar problems in Slovakia and Bulgaria. Racist demonstrations against the Roma and the Sinti were also being reported in France, Spain, Italy and Germany. The United Nations human rights bodies must make efforts to combat discrimination against those minorities.

38. Another matter of extreme concern was population displacement in order to pave the way for economic development projects, with the risk that the people so displaced would lose their identity, their culture and their livelihood. That had been the case of a community in Brandenburg, Germany, which was an officially recognized minority in that country. The village of Horno inhabited by the community was scheduled to disappear to make way for the construction of a huge coal mine. To date, the legal procedures used to

avert the tragedy had proved to be of no avail. Her organization would like to know whether the forced removal of that population was compatible with international human rights instruments.

39. Mrs. MARIE SABRINE (Fraternité Notre-Dame) said that poor and destitute persons in many countries were treated as minorities and looked down on by majority groups. It was to those people, with no distinctions of any kind, that the missionaries of the Fraternité Notre-Dame devoted themselves daily, with the limited financial and material resources available to them. The Fraternité, which had more than 100 members on several continents, fed thousands of people every day. It believed that poverty among minorities existed only because majority groups had made sure that it would take root and spread. Such poverty should not and must not exist.

40. The Fraternité looked after people with AIDS and women in situations of distress, ensured adult literacy in prisons and had opened orphanages in several parts of the world; it was in a good position to understand the difficulties confronting minorities in need and to guarantee their protection.

41. Mr. LIN (International Association of Democratic Lawyers) drew the Sub-Commission's attention to discrimination against foreign schools in Japan. The Japanese Government recognized them only if they taught in Japanese and conformed to the curriculum of the Japanese Ministry of Education. The situation was different in the United States, where teaching in Japanese schools was in Japanese with Japanese teachers. In February of the current year, the Japanese Federation of Bar Associations had admitted that the treatment of foreign schools in Japan was a serious violation of human rights and advised the Government to rectify it. In June 1998, the Committee on the Rights of the Child had said that it was concerned about discrimination against children of Korean origin in access to higher education in Japan. The Japanese Government had taken no account of those concerns or of the recommendations made.

42. In the opinion of his Association, it was clear that the treatment of foreign schools in Japan was completely contrary to the international human rights instruments which guaranteed the rights of ethnic communities to their language and identity and it therefore requested an investigation by the Office of the High Commissioner for Human Rights.

43. Mr. Guissé resumed the Chair.

44. Mrs. VERZEGNASSI (European Union of Public Relations) said that most countries made efforts to preserve the identity and the rights of minorities and punish those who persecuted them. That was not the case in Pakistan, where the Constitution, legislation and institutions were designed as to isolate minorities, discriminate against them and ensure the impunity of those who harassed them. Such was the fate of the Ahmediyas, Hindus and Christians. The Blasphemy Law, which carried the death penalty on the flimsiest of charges, had often been applied against Christians. It was in protest against that law, the repeal of which had already been called for by the international community that Bishop John Joseph had taken his own life outside the courts in Sahiwal.

45. The protection of minorities required the State not only to refrain from discrimination against them, but also to prevent private individuals and organizations from doing so. In Pakistan, the State sanctioned the existence of groups whose crusade was against all things western, including Christianity. Even the police admitted that they could not take action against them, since they provided the cadres for the mercenaries in Jammu and Kashmir.

46. It was essential that the international community should bring pressure to bear on Pakistan to rein in the fundamentalist groups which preyed on their minorities and to end all discrimination against minorities, whether Christians, Ahmediyas, Hindus or others.

47. Mrs. ALI (Afro-Asian Peoples Solidarity Organisation) said that her region of South Asia was home to almost all the major religions of the world. In the belief that democracy was the best guarantor of the freedom of peoples without distinction of religion, colour or race, many countries of the region had established constitutional and other norms to ensure identical protection for all groups. Unfortunately, that had not been the case in Pakistan, which had apparently not learned the lessons of history. In Pakistan, discriminatory practices based on religion were deeply entrenched and fundamentalism reigned supreme. The result was repeated attacks on Christian, Hindu, Ahmediya and other minorities. Armed extremist groups, like the Lashkar-e-Taiba, which had declared war against democracy, Jews, Hindus and all things western, or the Taliban, whose policy consisted in the oppression of the weak, had mushroomed. The most virulent manifestation of the theology of hatred and discrimination was the continuous massacre of a minority in Kashmir by mercenaries, the majority of whom were Pakistani and Afghan nationals.

48. The system of discrimination that Pakistan had put in place had created a monster which sowed death and destruction everywhere in the world. The attacks on the United States embassies in Nairobi and Dar-es-Salaam were the most recent manifestation. The arrest of Muhammad Sadiq Howaida at Karachi Airport and the interrogation of several other persons linked with Osama bin Laden, a rich Arab businessman settled in Afghanistan and collaborating with the Taliban, seemed to indicate that the attacks were part of a jihad against the United States of America.

49. She warned the people of Pakistan that fanaticism ended up devouring its own creators and that they might well become its victims. They should call on their leaders to introduce true democracy in Pakistan, not just the label of democracy.

50. Mrs. PARKER (International Educational Development) drew the Sub-Commission's attention to the situation of some ethnic peoples which had found themselves under the control of another ethnic group following decolonization. Some ethnic groups under the political domination of Indonesia and Burma were wrongly treated as minorities. Both in the former British colony of Burma and in the former Dutch colony of the East Indies, which had become the Republic of Indonesia, certain groups and nationalities were essentially independent; they included the Karen, Shan, Kachin, Karenni, Mon and others in Burma. Although the 1947 Constitution recognized their

right to independence, that right had been annulled by the Burmese ethnic group which had taken over the country at the end of the colonial period. As a result, to term such groups "minorities" was tantamount to legitimizing the abolition of the 1947 Constitution and recognizing the current regime.

51. In Indonesia, it was the Javanese ethnic group which had asserted its authority over the other ethnic groups and, in particular, the Moluccans and the Aceh people of Sumatra, despite the agreements which had been concluded in 1949 under United Nations auspices and which provided for the right of each different entity to negotiate its status with Indonesia, the United Kingdom and the Netherlands. Unfortunately, in 1950, the Indonesian authorities had violated the agreements by invading the Republic of the Moluccas, whose defenceless population had been forcibly incorporated into the Republic of Indonesia.

52. Indonesia was in the process of undergoing considerable change. It was therefore time to recall that neither the Moluccans nor the Aceh nation were minorities, as their history demonstrated. Although the Government of Indonesia was using every means, including exile and assassination, to reduce them to a minority state, the time had come to help the peoples of the former Dutch East Indies to become political entities again, as the agreements reached under the auspices of the United Nations provided.

53. Mr. ALI KHAN (World Federation of Trade Unions) said that the 50 years that had elapsed since India and Pakistan had achieved independence showed to what extent two countries that had become independent at the same time could evolve differently. While in India the principle of the equality of all was at the core of the country's democratic regime, Pakistan's leaders had placed religion at the service of power and had created a climate of insecurity for minority groups. The provisions recently adopted by the regime could well herald the further oppression of minorities.

54. The mistrust of the regime by the minorities was such that they had decided to carry out their own censuses. The Christian community had done so, but so also had the Mohajirs, who had contested the results of official censuses, seeing in them an attempt to downplay their numbers and perpetuate the domination of Punjab. Even the proud Pashtuns seemed to fear a loss of identity at the hands of the majority.

55. Religious extremism in Pakistan had fashioned warriors filled with hate who preyed on people of other religions and sects, particularly Christians and Shias. Obscurantism was gaining ground, to the detriment of women, relegated to second-class status in society.

56. Pakistan's Constitution and legislation decreed that those who did not belong to the majority were to be treated as inferior, thus providing the sanction for oppression. Minority oppression sometimes encouraged armed movements to seek redress. Only democracies had the necessary flexibility to adjust to the needs of minorities and only democracy, free of the shackles of religion and other constraints, could guarantee their rights. The international human rights community needed to work to strengthen democratic norms through example and education.

57. Mrs. MOYA (American Association of Jurists) said that, under agenda item 8, attention should be drawn to the situation of the approximately 200 million African Americans throughout the Americas who, after more than 350 years of holocaust and 150 years of freedom, were still feeling the effects of racial discrimination in the form of depersonalization, the loss of ethnic and cultural identity, a particularly high rate of infant mortality and, for certain rural or urban communities, forced displacement.

58. The States of the region regarded the African peoples and their descendants in the American continent as a negligible quantity, doing everything possible to make them invisible and thus deny that they were the victims of exclusion.

59. On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, she requested the Sub-Commission to take a genuine interest in the protection of the rights of the 200 million African Americans. Perhaps a small working group should be set up to prepare a study on the five centuries of discrimination they had endured. The study could be a part of the preparations for the World Conference against Racism.

60. Mrs. SHAUMIAN (International Institute for Peace) said that, despite positive changes and the adoption of the Declaration on the Rights of Persons Belonging to National, Religious or Linguistic Minorities, the rights of those minorities were being violated in many countries of the world, especially in multiethnic and pluriconfessional societies where majority groups imposed their law.

61. It was possible that there were corners of the Earth where people had never heard of human rights or the rights of minorities. Her organization therefore fully supported the recommendation made by the Working Group on Minorities in paragraph 108 (h) of its report (E/CN.4/Sub.2/1998/18) that "a pocket edition of the Declaration be prepared in the national as well as minority languages".

62. The effective participation of minorities in social, economic, cultural and political life, which was often hindered by their under-representation in public office and by the manoeuvring of majority groups, was a vital issue, as the Working Group had stated in its report (para. 56). The State had a duty to take affirmative action to guarantee such participation and to do what was required to remove the effects of the discrimination that the minorities had suffered for so long.

63. The problem that currently arose was how to reconcile two opposing demands, namely, the territorial integrity of the State and the right to self-determination of ethnic minorities. The many conflicts arising out of that duality had to be settled, not by the use of military force, but with mutual respect for the interests of all the parties involved and on the basis of mutual concessions.

64. The condemnation and punishment of those who persecuted minorities, especially in armed conflicts, was an effective element in preventing such

criminal acts. As Ms. McDougall said in her report on contemporary forms of slavery, the perpetrators of such crimes must be held responsible for them at the national and international level.

65. Mrs. MARWAH (International Institute of Non-Aligned Studies) said that there was growing awareness of the place of the phenomenon of ethnicity in multiethnic societies and drew attention to the complexity of the problems of managing conflicts in such societies. The complexity was such that no comprehensive solution existed. While many of the conflicts raised the question of self-determination, that concept did not imply that a country should be partitioned into as many states as there were ethnic groups. The partition of British India had illustrated the result to which such divisions could lead because of the fluid quality of ethnic identities. While the Muslim religion formed a common basis in Bangladesh and Pakistan, they were separated on grounds of language. Conflicts had already started to develop in the republics of the former Soviet Union, not to mention the former Yugoslavia.

66. If a solution to those conflicts existed, it had to be found in pluralism. Above all, States must appreciate the importance of reconciliation and the avoidance of polemics. The protection of minorities within each country was essential; international rules had a major role to play in that regard. Publicity was also important in the protection of human rights in general and the rights of minorities in particular.

67. As one writer had recently pointed out, it was during the present-day period of modernization and rapid urbanization that minority mobilization had reached its highest level. It was therefore important to take account of the socio-economic and political aspects of the issues involved, a task for which the Working Group on Minorities appeared to be the most appropriate body.

68. Mrs. CECHUROVA (Transnational Radical Party) said that the world had become the setting for profound ideological and structural changes and increasingly numerous inter-ethnic conflicts. The protection of minorities was a very sensitive issue, particularly as the term "minorities" was controversial, in that it served to justify discrimination and segregation. That was particularly the case in the countries in transition, where the rights of national minorities were systematically restricted.

69. The Albanians of the former Yugoslavia were treated politically as a minority, although they constituted a majority in the regions in which they lived. After the dissolution of the former Yugoslavia, the Albanian community had been split between Montenegro, Serbia, Kosovo and the Former Yugoslav Republic of Macedonia and was treated as a minority in each of those administrations.

70. Although it was a multiethnic State, the Former Yugoslav Republic of Macedonia considered itself to be the State of Macedonia and imposed its supremacy in all areas - linguistic, cultural, educational, political and legislative - even if no elements, whether historical or not legitimated the predominance of the rights of one community over those of another. The fact of being the majority nation justified the right to marginalize the minority nation or the national minority, slow its cultural development and speed up

the process of assimilation. In the Former Yugoslav Republic of Macedonia, only one Albanian in thirty held a post in the administration, although Albanians accounted for approximately one third of the population. That situation was an example of legal segregation applied by one nation to another on the basis of national minority status.

71. The roots of the discrimination had to be found in order to put an end to a situation which, by creating tensions between different ethnic groups caused conflicts such as the one that was destabilizing the Former Yugoslav Republic of Macedonia and the region as a whole. The solution was to be found in consensual democracy or a federation of States.

72. Mr. MYONG SOK (Asian Women's Human Rights Council (AWHRC)), referring to the issue of the violation of the rights of the Korean minority living in Japan, said that the Korean schools and universities set up in Japan after the Second World War helped to maintain and develop Korean cultural identity. From the beginning, they had been subjected to discriminatory measures by the Japanese Government, which preferred to encourage young Koreans to attend Japanese schools. In December 1965, for example, the Japanese Ministry of Education had issued a directive stating that Korean schools were not recognized, since the Government saw no reason to confer legal status on schools which upheld the teaching of the Korean language and culture.

73. In February 1998, the Japan Federation of Bar Associations had issued a report on discrimination against Korean schools, in which the attitude of the Japanese Government had been regarded as a violation of the rights of the Korean minority. The Japanese Ministry of Education had replied that it had a different view on the issue and that its policy would not be affected by the Federation's protest. The Committee on the Rights of the Child had recommended that the Japanese Government should take steps to put an end to the discrimination. The Japanese Government had taken no steps to date, on the pretext that it was difficult to solve a problem affecting the very bases of the education system.

74. Koreans living in Japan paid taxes as the Japanese did and did not understand why their schools were not subsidized like Japanese schools. Koreans thus had to pay the costs of their children's education. Approximately 80,000 Korean children who attended Japanese schools had to use a Japanese name and were deprived of the opportunity to learn their own language and know their own culture. It was regrettable that the Japanese Government's attitude had affected Japanese society overall, giving rise to acts of discrimination and violence against Korean children. That would go on until the Japanese Government had changed its policy.

75. The Council and the Association of Human Rights for Koreans in Japan suggested that the Sub-Commission should investigate the matter, particularly in terms of the right to education, and recommend to the Japanese Government that it should abandon its discriminatory policy against minorities and especially against Koreans.

The meeting rose at 1 p.m.